



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,443	10/27/2000	Sherif Safwat	2146	8623

7590 01/30/2003

Donald E Schreiber  
Donald E Schreiber A Professional Corporation  
Post Office Box 64150  
Sunnyvale, CA 94088-4150

EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/674,443

Applicant(s)

SAFWAT

Examiner

KURT ROWAN

Art Unit

3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 6, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3643

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: in line 7, "which ." is improper since the claims must be in single sentence form. The "." should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hannon et al.

Art Unit: 3643

The patent to Hannon shows a fish hook 41 with a shank 47, a bend 50, and a point 52 in Figures 9-10 having a magnet 46 mounted on the shank of the hook. The magnet acts as an electret to induce a strike response in fish.

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3643

6. Claims 1-3, 12-15, 24, 26, 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard in view of Hannon et al.

The patent to Richard shows a fishhook having an electrically conductive shank 8 having an eye (not labeled) adapted to be coupled to a fishing line. The patent to Hannon shows a fishing hook as discussed above. Richard shows an electrically conductive bend, a point and a self-contained bioelectric simulating means which is the interaction between anodic area of steel 4, a plastic band 7, and the gold coating 8. In reference to claim 1, it would have been obvious to provide Richard with an electret or magnet as shown by Hannon to hold the hook to a second hook or a fishing lure as disclosed by Hannon. In reference to claim 13, Richard does not disclose that the material forming the enlarged portion adjacent the eye (compared to the bend 4 in Fig. 1c) is heavier than the material of the shank, but it would have been obvious to employ heavier material at the enlarged portion of the hook to alter the balance of the hook depending on fishing conditions, the type of lure action being sought, and whether a trailer is mounted to the hook.

In reference to claim 14, Richard shows one bend and one point, but it would have been obvious to employ a double hook (which would have a pair of bends) for the purpose of increasing the chance of hooking the fish. Also, Hannon shows what amounts to a double hook in Figures 9-10. In reference to claim 40, Richard shows all of the elements recited with the exception of the extension hardware coupled to the eye. However, it would have been obvious to employ old and well extension hardware to space the hook from the fish line. The examiner takes Official Notice

Art Unit: 3643

that double hooks along with a pair of bends and extension hardware are old and well known in the art.

7. Claims 4-11, 16, 25, 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard in view of Hannon et al. as applied to claim 1 above, and further in view of Barfield. The patent to Richard shows a fishhook as discussed above. The patent to Hannon shows a fishing hook with a magnet as discussed above. The patent to Barfield shows a fishing lure having an artificial lure A' located on the fishhook as shown in Fig. 7. In reference to claims 4-5, it would have been obvious to provide Richard as modified by Hannon with an artificial lure mounted on the fishhook for the purpose of attracting more fish to the lure and inducing those to strike the lure which increases the number of fish caught.

6. Claims 22-23, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massie in view of Hannon et al.

The patent to Massie shows a fishing lure having a plurality of strands 6, 7, one of the strands is considered as the anodic segment and the other of the strands is considered as the cathodic segment. Massie has the strands separated and an electronic current flows between the fluttering electrodes which inherently produces an electromagnetic field. The patent to Hannon shows a fishing hook in Figures 9-10 with a magnet as discussed above. In reference to claim 22, it would have been obvious to provide Massie with hooks having an magnet as shown by Hannon for the hooks of Massie since merely one hooking means is being substituted for another and the function

Art Unit: 3643

is the same. Also, exchanging the hooks of Massie for the hooks of Hannon would provide a weedless hooking means. It would have further been obvious to employ anodic and cathodic segments on the same strand as Massie shows separate strands but it would have been obvious to employ the anodic and cathodic segments on the same strand since the function is the same and no stated problem is solved.

8. Claims 17-21, 27-36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers in view of Hannon et al.

The patent to Rodgers shows a bioelectric simulating fishing lure having a body and electrically conductive strands 11, 13 which have sections secured to the body and other sections that protrude from the body as shown in Fig. 1. The patent to Hannon shows a fishing hook in Figures 9-11 with a magnet 46 mounted on the shank of the hook as discussed above. The strands are treated to provide the biosimulating means which upon immersion in water an electromagnetic field is produced about the lure to induce a strike from a fish as disclosed in column 2, lines 46-52. In reference to claims 17 and 22, it would have been obvious to provide Rodgers with hooks as shown by Hannon for the purpose of providing a weedless lure since the hooks shown by Hannon in Figures 9, 11 are weedless. The hooks can be considered as strands as can the mounting element or ring 73 of Hannon as shown in Fig. 13. The ring protrudes from the body. In reference to claim 27, Hannon shows a magnet or electret 74 mounted on the solid body in Fig. 13. Rodgers does not disclose replacing the fishhook to change cathodic segments, but

Art Unit: 3643

it would have been obvious to change the fishhook to change cathodic segments instead of replacing segments 11, 13 since the function is the same and no stated problem is solved.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Ohnishi shows a fishing lure having a hook 2 and a magnet 6 attached to the shank of the hook.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



Art Unit: 3643

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KURT ROWAN whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Kurt Rowan", with a stylized flourish at the end.

KURT ROWAN

PRIMARY EXAMINER

ART UNIT 3643

January 26, 2003